

**IN THE DRAWINGS:**

**Please replace originally filed Figs. 1-7b with replacement Figs. 1-7b attached hereto.**

**REMARKS**

Claims 1-8 and 10-13 are pending in this application. By this Amendment, claims 1, 2, 4, 10, 12, and 13 are amended to further clarify the recited subject matter, and claim 9 is withdrawn to comply with the Examiner's election of species requirement. By this Amendment, original drawing Figs. 1-7b are replaced with substitute formal drawings depicting Figs. 1-7b. The attached substitute formal drawings have been corrected to comply with the Examiner's requirements, as outlined in the Office Action. The above-indicated amendments and replacement drawings are supported by the original disclosure and no new matter is added by the amendments or the replacement drawings.

Applicant appreciatively acknowledges the Examiner's acknowledgement of the Applicant's election, without traverse, to prosecute claims 1-8 and 10-13 (Species I), as made during a telephone conference between the Examiner and Applicant's undersigned representative, Peter A. Shaddock II, on October 11, 2006.

Reconsideration in view of the above amendments and the following remarks is respectfully requested.

**I. MATTERS OF FORM**

**A. SPECIFICATION – REWRITTEN ABSTRACT**

The Office Action objected to the Abstract of the disclosure as containing the legal phraseology "means". By this Amendment, the original Abstract is replaced with a rewritten Abstract that does not contain the legal phraseology "means". The above-indicated rewritten Abstract is supported by the original disclosure and no new matter is introduced in the rewritten Abstract.

**B. DRAWINGS – FIGS. 6, 7A, AND 7B**

The Office Action objected to the drawings as not showing every feature of the invention specified in the claims. By this Amendment, original drawing Figs. 6, 7a, and 7b are replaced with substitute formal drawings depicting Figs. 6, 7a, and 7b to show adjustment means within the slots, as recited in claim 8 and to comply with the Examiner's requirement. The above-indicated substitute formal drawings are supported by the original disclosure and no new matter is introduced in the substitute formal drawings.

For example, the original disclosure states that "FIGS. 6 and 7 depict a third embodiment of the invention. ... This embodiment may also benefit from the height and

angle adjustment means disclosed with respect to the embodiment of FIGS. 3 and 4, discussed above”. (See Paragraph 0034 of the original disclosure)

## **II. CLAIM REJECTIONS - 35 U.S.C. §112**

### **A. CLAIM 8**

The Office Action rejected claim 8 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement, in that the claim “contains subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention”. More specifically, the Office Action stated that while claim 8 recites an adjustment means being included in an embodiment of the holster holder having three slots, “Applicant has not disclosed this feature and has actually taught away from including such adjustment means in the embodiment with three slots”.

The Applicant traverses the rejection because the original specification clearly allows for the inclusion of an adjustment means in the embodiment with three slots. For example, the original disclosure states that “FIGS. 6 and 7 depict a third embodiment of the invention. A belt plate 21 includes a pair of vertically arranged belt slots 5a, 5b ... This embodiment may also benefit from the height and angle adjustment means disclosed with respect to the embodiment of FIGS. 3 and 4, discussed above”. (See Paragraph 0034 of the original disclosure)

Therefore, Applicant respectfully requests withdrawal of the rejection of claim 8 under 35 U.S.C. §112, first paragraph.

### **B. CLAIMS 1-8 AND 10-13**

The Office Action rejected claims 1-8 and 10-13 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. By this Amendment, claims 1, 2, 4, 10, 12 and 13 are amended, as outlined herein, to particularly point out and distinctly claim the subject matter that the Applicant regards as the invention. The remaining dependent claims particularly point out and distinctly claim the subject matter that the Applicant regards as the invention, by virtue of their dependence, either directly or indirectly, on the amended independent claims.

**i. CLAIMS 1, 12, AND 13**

The Office Action rejected claims 1, 12, and 13 as each reciting that a third slot has a "mustache shape". The Examiner stated that the claims are indefinite because the metes and bounds of the limitation "mustache shape" are unclear.

By this Amendment, original claims 1, 12, and 13 are amended to replace the term "mustache shape" with the term "recurvate", thereby more particularly pointing out and distinctly claiming the subject matter that Applicant regards as the invention. This amendment is supported by the original disclosure and no new matter is added by the amendment.

Therefore, Applicant respectfully requests withdrawal of this rejection of claims 1, 12, and 13 under 35 U.S.C. §112, second paragraph.

**ii. CLAIMS 1, 7, 10, 11, 12, AND 13**

The Office Action rejected claims 1, 7, 10, 11, 12, and 13 due to noted informalities regarding the antecedent basis for the term "the relative angle of the holster to the plate". By this amendment, independent claims 1 and 10 are amended to provide appropriate antecedent basis for the term "the relative angle of the holster to the plate".

Therefore, Applicant respectfully requests withdrawal of this rejection of claims 1, 7, 10, 11, 12, and 13 under 35 U.S.C. §112, second paragraph.

**iii. CLAIMS 2 AND 4**

The Office Action rejected claims 2 and 4 due to noted informalities regarding the antecedent basis for the term "the plate wall". By this amendment, claim 2 is amended to provide appropriate antecedent basis for the term "the plate wall".

Therefore, Applicant respectfully requests withdrawal of this rejection of claims 2 and 4 under 35 U.S.C. §112, second paragraph.

**iv. CLAIM 4**

The Office Action rejected claim 4 due to noted informalities regarding the antecedent basis for the term "the heads of the screws". By this amendment, claim 4 is amended to provide appropriate antecedent basis for the term "the heads of the screws".

Therefore, Applicant respectfully requests withdrawal of this rejection of claim 4 under 35 U.S.C. §112, second paragraph.

### **III. PRIOR ART REJECTIONS - 35 U.S.C. §102**

#### **A. CLAIMS 1, 3, AND 5 ARE PATENTABLE OVER ROGERS**

The Office Action rejected claims 1, 3, and 5 under 35 U.S.C. §102(b) as being anticipated by Rogers et al. (U.S. Patent No. 6,010,045, hereinafter “Rogers”). The Applicant traverses the rejection because Rogers fails to teach or suggest all of the features recited in the rejected claims.

For example, Rogers fails to teach or suggest at least a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; a first arcuate slot defined through the plate, wherein the first arcuate slot is capable of allowing a first fastening means to extend therethrough; a second arcuate slot defined through the plate, wherein the second arcuate slot is capable of allowing a second fastening means to extend therethrough; a third recurvate slot defined through the plate below the first and second slots, the third slot having a recurvate shape, wherein the third slot is capable of allowing a third fastening means to extend therethrough; wherein the three fastening means are capable of engaging three points of attachment defined on a holster; and wherein a relative angle of the holster to the plate is adjustable by coordinated adjustment of the three fastening means within each of the three slots”, as recited in amended claim 1.

In contrast, Rogers merely discloses three embodiments of a carrier. The carrier of the first embodiment includes a base plate carrier (11) that is attached to a belt loop (12) by bolts and T-nuts, such that the base plate carrier will hang generally vertically downward from belt loop. The lower portion of the base plate carrier includes three slots (19 and 20) for bolts that are used to attach a holster to the base plate carrier.

Each of the slots generally “extend vertically”, and “[s]lots 19 are preferably oriented lengthwise of the base plate carrier while slot 20 generally extends horizontally and is oriented transverse to the base plate carrier”. (See Col. 3, Lines 4-11 and Fig.1 of Rogers; emphasis added)

While the orientations of slots (19 and 20) may permit a holster to be “rotated several degrees forward or rearward from a central vertical alignment with the base plate carrier”, the slots are strictly linear and the linear nature of the slots (19 and 20) only allows for a slight adjustment of the holster relative to the base plate carrier. (See Col. 3, Lines 11-14 and Fig.1 of Rogers; emphasis added)

In the second embodiment of the Rogers base plate carrier, the carrier (27) supports a holster via a hole (31) aligned with a T-nut and two spaced arcuate slots (32). In this

embodiment, the degree of tilt or cant of an attached holster is restricted by the hole (31), which does not allow for movement of the T-nut attachment. (See Col. 3, Lines 61-65 and Fig.5 of Rogers)

In the final embodiment of the Rogers base plate carrier, the carrier includes three spaced vertical slots (39) above a generally horizontally extending screw slot (42). (See Col. 4, Lines 8-12 and Fig.7 of Rogers; emphasis added)

Once again, the slots are strictly linear and the linear nature of the slots (39 and 42) does not allow for a wide range of adjustment of the holster relative to the base plate carrier.

Thus, each of the carriers of Rogers limits the positioning of a holster relative to the base plate carrier by either a linear slot or a hole.

Therefore, Rogers actually teaches away from a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; a first arcuate slot defined through the plate, wherein the first arcuate slot is capable of allowing a first fastening means to extend therethrough; a second arcuate slot defined through the plate, wherein the second arcuate slot is capable of allowing a second fastening means to extend therethrough; a third recurvate slot defined through the plate below the first and second slots, the third slot having a recurvate shape, wherein the third slot is capable of allowing a third fastening means to extend therethrough; wherein the three fastening means are capable of engaging three points of attachment defined on a holster; and wherein a relative angle of the holster to the plate is adjustable by coordinated adjustment of the three fastening means within each of the three slots”, as recited in amended claim 1.

Accordingly, Applicant respectfully submits that independent claim 1 is patentable over Rogers. Likewise, claims 3 and 5, which depend, either directly or indirectly, from independent claim 1, are also patentable over Rogers for the reasons discussed above plus the additional feature(s) they recite. Thus, claims 1, 3, and 5 are allowable and withdrawal of the rejection of these claims under 35 U.S.C. §102 is respectfully requested.

#### **B. CLAIM 10 IS PATENTABLE OVER PARSONS**

The Office Action rejected claim 10 under 35 U.S.C. §102(b) as being anticipated by Parsons (U.S. Published Patent Application No. 2004/0188477, hereinafter “Parsons”). The Applicant traverses the rejection because Parsons fails to teach or suggest all of the features recited in the rejected claims.

For example, Parsons fails to teach or suggest at least a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; means for attaching a holster to a side of the plate; and at least two slots defined through the plate for receiving and securing a wearer's belt to the plate; repositionable adjustment means extending through each slot for adjusting a relative height and angle of the plate with respect to the belt”, as recited in amended claim 10.

In contrast, Parsons merely discloses a concealable baton scabbard (10) that includes an attachment means (18) that includes a pocket formed central to the attachment means for receiving an elongated rigid cylindrical tubular baton receiving core (16). The attachment means is capable of being supported on a belt, such that when a baton is received within the baton receiving core and the scabbard is supported on a belt disposed about a user's waist, minimal outwardly bulging of the overlying clothing is observable. (See Paragraph 0023 and Figs.1-3 of Parsons)

Locating the pocket (and the baton receiving core) central to the attachment means (18) is essential to the concealable baton scabbard of Parsons. When a user wears the concealable baton scabbard of Parsons, the attachment means flexes arcuately toward the user's waist so that the wearer's belt “engages the inner surface of the baton receiving core” and the outer curvature of the baton receiving core “forms a smooth transition from the belt's normal line of tension”. (See Paragraph 0032 and Fig. 8 of Parsons)

Therefore, Parsons actually teaches away from a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; means for attaching a holster to a side of the plate; and at least two slots defined through the plate for receiving and securing a wearer's belt to the plate; repositionable adjustment means extending through each slot for adjusting a relative height and angle of the plate with respect to the belt”, as recited in amended claim 10.

Accordingly, Applicant respectfully submits that independent claim 10 is patentable over Parsons. Thus, claim 10 is allowable and withdrawal of the rejection of this claim under 35 U.S.C. §102 is respectfully requested.

#### **IV. PRIOR ART REJECTIONS - 35 U.S.C. §103**

##### **A. CLAIMS 1, 3, AND 5 ARE PATENTABLE OVER ROGERS IN VIEW OF NICHOLS**

The Office Action rejected claims 1, 3, and 5 under 35 U.S.C. §103(a) as being unpatentable over Rogers et al. (U.S. Patent No. 6,588,640, hereinafter “Rogers”) in view of

Nichols (U.S. Patent No. 5,265,781, hereinafter “Nichols”). The Applicant traverses the rejection because the combined teachings of Rogers and Nichols fail to teach all of the features recited in the rejected claims.

For example, Rogers fails to teach or suggest at least a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; a first arcuate slot defined through the plate, wherein the first arcuate slot is capable of allowing a first fastening means to extend therethrough; a second arcuate slot defined through the plate, wherein the second arcuate slot is capable of allowing a second fastening means to extend therethrough; a third recurvate slot defined through the plate below the first and second slots, the third slot having a recurvate shape, wherein the third slot is capable of allowing a third fastening means to extend therethrough; wherein the three fastening means are capable of engaging three points of attachment defined on a holster; and wherein a relative angle of the holster to the plate is adjustable by coordinated adjustment of the three fastening means within each of the three slots”, as recited in amended claim 1.

In contrast, Rogers merely discloses a support plate for a holster, wherein the support plate includes three spaced apart holes (28) for attaching a holster (24) to the support plate (26). (See Col. 4, lines 55-63 and Fig. 2 of Rogers)

As indicated in the Office Action, Rogers fails to teach or suggest the inclusion of arcuate slots. Therefore, the Rogers’ support plate does not allow a holster to rotate with respect to the plate. In Rogers, the holster can only be attached to the plate in one position or orientation. Furthermore, as also indicated in the Office Action, Rogers fails to teach or suggest a slot having a recurvate shape (previously described as a “mustache shape”), and also fails to specifically state that fasteners are passed through the slots for attaching a holster to the plate. Thus, Rogers fails to teach the claimed subject matter of original claim 1.

Therefore, Rogers teaches away from a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; a first arcuate slot defined through the plate, wherein the first arcuate slot is capable of allowing a first fastening means to extend therethrough; a second arcuate slot defined through the plate, wherein the second arcuate slot is capable of allowing a second fastening means to extend therethrough; a third recurvate slot defined through the plate below the first and second slots, the third slot having a recurvate shape, wherein the third slot is capable of allowing a third fastening means to extend therethrough; wherein the three fastening means are capable of engaging three points of attachment defined on a holster; and wherein a relative angle of the holster to the plate is



adjustable by coordinated adjustment of the three fastening means within each of the three slots”, as recited in amended claim 1.

The inclusion of Nichols fails to overcome the deficiencies of Rogers. Nichols merely discloses a belt mountable holster or carrier that comprises a holster body, a plate member having a swivel connector (24) pivotally connecting the plate member (18) to the holster body (20), and a fastener device for releasably securing the holster body in a selected angular position relative to the plate member (18). The swivel connector (24) of Nichols is located centrally between the side edges and closer to the first edge than the second edge of the plate (16), and secures the holster (20) to the plate (18), such that the plate is able to rotate 360 degrees, relative to the holster, when the fastener device is released. A pair of symmetrically arranged, arcuate slots (40 and 42) are positioned one on each side of the swivel connector (24), and the fastener device comprises a pair of releasable fasteners (44 and 46) such as screws or the like extending through the respective arcuate slots and releasably connected to the holster body.

In order to adjust the angular orientation of the holster body (20) relative to the plate (18), the fasteners (44 and 46) are loosened, and the holster body is pivoted about the swivel connector (24), with the fasteners traveling along the slots (40 and 42) in opposite directions until the desired orientation is reached, after which the fasteners are tightened. (See Figs. 1 and 3, Col. 2, Line 64 - Col. 3, Line 45, and Col. 5, Line 65 - Col. 6, Line 44 of Nichols)

As further described in Nichols, the paddle (64) may either be hooked into the waistband with the holster or other carrier worn outside, or worn the other way around with the holster or other carrier worn inside the waistband or belt. (See FIGS. 8 and 9 and Col. 7, Lines 62-67 of Nichols)

Thus, the teachings of Nichols teach away from a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; a first arcuate slot defined through the plate, wherein the first arcuate slot is capable of allowing a first fastening means to extend therethrough; a second arcuate slot defined through the plate, wherein the second arcuate slot is capable of allowing a second fastening means to extend therethrough; a third recurvate slot defined through the plate below the first and second slots, the third slot having a recurvate shape, wherein the third slot is capable of allowing a third fastening means to extend therethrough; wherein the three fastening means are capable of engaging three points of attachment defined on a holster; and wherein a relative angle of the holster to the plate is

adjustable by coordinated adjustment of the three fastening means within each of the three slots”, as recited in amended claim 1, and fail to overcome the deficiencies of Rogers.

In fact, the support plate taught in Rogers would not be combined with the specially designed plate member of Nichols. In Rogers, the support plate is designed to have a holster attached to it at a specific angle, as dictated by three deliberately positioned holes, such that the muzzle of a handgun held in an attached holster will be “pointing downwardly along the leg and the handgun grip and breech of the handgun canted slightly outwardly only enough to allow immediate access by the wearer's hand for a quick withdrawal of the weapon from the holster”. (See Col. 4, Lines 55-64 of Rogers) In sharp contrast, the plate member of Nichols is designed such that a holster is pivotally connected to the plate member by a swivel connector (24), with a pair of symmetrically arranged, arcuate slots positioned on each side of the swivel connector, such that “continuous adjustability over a range of useable angles from rear rake through vertical to forward rake” can be achieved. (See Col. 3, Lines 41-44 of Nichols)

Thus, a goal of the Rogers' support plate is exact placement of a holster on a support plate, while a goal of the Nichols' plate member is adjustability of the angular relationship between a holster and the plate member. Therefore, the support plate taught in Rogers would not be combined with the specially designed plate member of Nichols because the proposed modification would render the prior art inventions being modified unsatisfactory for their intended purposes.

In fact, if the support plate of Rogers were to be modified to include the plate member taught in Nichols, the resulting plate would not be capable of either be hooked into a waistband with the holster worn outside, or worn the other way around with the holster worn inside the waistband or belt, a specific feature of the Nichols plate member. This proposed modification or combination of the prior art would improperly change a principle of operation of the prior art invention being modified.

Since the teachings of Nichols fail to overcome the deficiencies of Rogers, the teachings of Rogers and Nichols, either alone or in combination, fail to teach or suggest (and actually teach away from) a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; a first arcuate slot defined through the plate, wherein the first arcuate slot is capable of allowing a first fastening means to extend therethrough; a second arcuate slot defined through the plate, wherein the second arcuate slot is capable of allowing a second fastening means to extend therethrough; a third recurvate slot defined through the

plate below the first and second slots, the third slot having a recurvate shape, wherein the third slot is capable of allowing a third fastening means to extend therethrough; wherein the three fastening means are capable of engaging three points of attachment defined on a holster; and wherein a relative angle of the holster to the plate is adjustable by coordinated adjustment of the three fastening means within each of the three slots”, as recited in amended claim 1.

Therefore, Applicant respectfully submits that independent claim 1 is patentable over Rogers in view of Nichols. Likewise, dependent claims 3 and 5 are also patentable over Rogers in view of Nichols by virtue of their dependence, either directly or indirectly, from claim 1, for the reasons discussed above, and for the additional feature(s) they recite. Thus, claims 1, 3, and 5 are allowable and withdrawal of the rejection of these claims under 35 U.S.C. §103 is respectfully requested.

**B. CLAIMS 2 AND 4 ARE PATENTABLE OVER ROGERS IN VIEW OF NICHOLS AND FURTHER IN VIEW OF BELETSKY**

The Office Action rejected claims 2 and 4 under 35 U.S.C. §103(a) as being unpatentable over Rogers in view of Nichols and further in view of Beletsky (U.S. Patent No. 5,875,944, hereinafter “Beletsky”). The Applicant traverses the rejection because the combined teachings of Rogers, Nichols, and Beletsky fail to teach all of the features recited in the rejected claims.

For example, as discussed above with respect to claims 1, 3, and 5, the teachings of Rogers and Nichols, either alone or in combination, fail to teach or suggest (and actually teach away from) a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; a first arcuate slot defined through the plate, wherein the first arcuate slot is capable of allowing a first fastening means to extend therethrough; a second arcuate slot defined through the plate, wherein the second arcuate slot is capable of allowing a second fastening means to extend therethrough; a third recurvate slot defined through the plate below the first and second slots, the third slot having a recurvate shape, wherein the third slot is capable of allowing a third fastening means to extend therethrough; wherein the three fastening means are capable of engaging three points of attachment defined on a holster; and wherein a relative angle of the holster to the plate is adjustable by coordinated adjustment of the three fastening means within each of the three slots”, as recited in amended claim 1.

Furthermore, as indicated in the Office Action, the teachings of Rogers and Nichols, either alone or in combination, fail to teach or suggest a holster holder having a series of

indents formed therein for selective positioning of the holster on the plate. Thus, teachings of Rogers and Nichols, either alone or in combination, fail to teach the claimed subject matter of original claims 2 and 4.

The inclusion of Beletsky fails to overcome the deficiencies of the combine teachings of Rogers and Nichols. Beletsky merely teaches a paddle and holster combination, wherein a support portion of the holster is both rotatably and vertically adjustable with respect to the holster to allow the wearer to change the cant angle, forward or rearward of the wearer's hip via the rotatable adjustment feature. While the support portion includes two "I" or "E" shaped slots, the holster is able to be adjusted to an infinite number of possible angular positions with respect to the paddle. (See Col. 4, Lines 37-57 of Beletsky)

Thus, the teachings of Beletsky fail to teach or suggest the claimed features of the holster holder recited in at least independent claim 1, and fail to overcome the deficiencies of the combine teachings of Rogers and Nichols.

Since the teachings of Beletsky fail to overcome the deficiencies of the combine teachings of Rogers and Nichols, the teachings of Rogers, Nichols, and Beletsky, either alone or in combination, fail to teach or suggest (and actually teach away from) a holster holder for securing a holster to a wearer in a desired attitude, comprising "a plate; a first arcuate slot defined through the plate, wherein the first arcuate slot is capable of allowing a first fastening means to extend therethrough; a second arcuate slot defined through the plate, wherein the second arcuate slot is capable of allowing a second fastening means to extend therethrough; a third recurvate slot defined through the plate below the first and second slots, the third slot having a recurvate shape, wherein the third slot is capable of allowing a third fastening means to extend therethrough; wherein the three fastening means are capable of engaging three points of attachment defined on a holster; and wherein a relative angle of the holster to the plate is adjustable by coordinated adjustment of the three fastening means within each of the three slots", as recited in amended claim 1.

Furthermore, the teachings of Rogers, Nichols, and Beletsky, either alone or in combination, fail to teach or suggest (and actually teach away from) a holster holder for securing a holster to a wearer in a desired attitude, "wherein the holster is adjustable to predefined angles based upon the positioning of the three fastening means in selected indents formed in a plate wall for engaging the fastening means", as recited in amended claim 2.

Thus, the teachings of Rogers, Nichols, and Beletsky, either alone or in combination, fail to teach or suggest the subject matter of independent claim 1 and dependant claim 2.

Therefore, Applicant respectfully submits that at least independent claim 1 and dependant claim 2 are patentable over Rogers in view of Nichols and further in view of Beletsky. Likewise, claim 4, which depends from claims 1 and 2, is also patentable over Rogers in view of Nichols and further in view of Beletsky for the reasons discussed above plus the additional feature(s) it recites. Thus, claims 2 and 4 are allowable and withdrawal of the rejection of these claims under 35 U.S.C. §103 is respectfully requested.

**C. CLAIM 6 IS PATENTABLE OVER ROGERS IN VIEW OF NICHOLS AND FURTHER IN VIEW OF PARSONS**

The Office Action rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Rogers in view of Nichols and further in view of Parsons. The Applicant traverses the rejection because the combined teachings of Rogers, Nichols, and Parsons fail to teach all of the features recited in the rejected claims.

For example, as discussed above with respect to claims 1, 3, and 5, the teachings of Rogers and Nichols, either alone or in combination, fail to teach or suggest (and actually teach away from) a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; a first arcuate slot defined through the plate, wherein the first arcuate slot is capable of allowing a first fastening means to extend therethrough; a second arcuate slot defined through the plate, wherein the second arcuate slot is capable of allowing a second fastening means to extend therethrough; a third recurvate slot defined through the plate below the first and second slots, the third slot having a recurvate shape, wherein the third slot is capable of allowing a third fastening means to extend therethrough; wherein the three fastening means are capable of engaging three points of attachment defined on a holster; and wherein a relative angle of the holster to the plate is adjustable by coordinated adjustment of the three fastening means within each of the three slots”, as recited in amended claim 1.

Furthermore, as indicated in the Office Action, the teachings of Rogers and Nichols, either alone or in combination, fail to teach or suggest a holster holder wherein each of the at least two belt receiving slots further comprises adjustment means for adjusting the height and the angle at which the belt passes through the slot. Thus, teachings of Rogers and Nichols, either alone or in combination, fail to teach the claimed subject matter of original claim 6.

The inclusion of Parsons fails to overcome the deficiencies of the combine teachings of Rogers and Nichols. For example, Parsons merely discloses a concealable baton scabbard (10) that includes an attachment means (18) that includes a pocket formed central to the

attachment means for receiving an elongated rigid cylindrical tubular baton receiving core (16). The attachment means is capable of being supported on a belt, such that when a baton is received within the baton receiving core and the scabbard is supported on a belt disposed about a user's waist, minimal outwardly bulging of the overlying clothing is observable. (See Paragraph 0023 and Figs.1-3 of Parsons)

Locating the pocket (and the baton receiving core) central to the attachment means (18) is essential to the concealable baton scabbard of Parsons. When a user wears the concealable baton scabbard of Parsons, the attachment means flexes arcuately toward the user's waist so that the wearer's belt "engages the inner surface of the baton receiving core" and the outer curvature of the baton receiving core "forms a smooth transition from the belt's normal line of tension". (See Paragraph 0032 and Fig. 8 of Parsons)

Therefore, Parsons actually teaches away from a holster holder for securing a holster to a wearer in a desired attitude, comprising "a plate; a first arcuate slot defined through the plate, wherein the first arcuate slot is capable of allowing a first fastening means to extend therethrough; a second arcuate slot defined through the plate, wherein the second arcuate slot is capable of allowing a second fastening means to extend therethrough; a third recurvate slot defined through the plate below the first and second slots, the third slot having a recurvate shape, wherein the third slot is capable of allowing a third fastening means to extend therethrough; wherein the three fastening means are capable of engaging three points of attachment defined on a holster; and wherein a relative angle of the holster to the plate is adjustable by coordinated adjustment of the three fastening means within each of the three slots", as recited in amended claim 1.

Thus, the teachings of Parsons fail to teach or suggest the claimed features of the holster holder recited in at least independent claim 1, and fail to overcome the deficiencies of the combine teachings of Rogers and Nichols.

Since the teachings of Parsons fail to overcome the deficiencies of the combine teachings of Rogers and Nichols, the teachings of Rogers, Nichols, and Parsons, either alone or in combination, fail to teach or suggest (and actually teach away from) a holster holder for securing a holster to a wearer in a desired attitude, comprising "a plate; a first arcuate slot defined through the plate, wherein the first arcuate slot is capable of allowing a first fastening means to extend therethrough; a second arcuate slot defined through the plate, wherein the second arcuate slot is capable of allowing a second fastening means to extend therethrough; a third recurvate slot defined through the plate below the first and second slots, the third slot

having a recurvate shape, wherein the third slot is capable of allowing a third fastening means to extend therethrough; wherein the three fastening means are capable of engaging three points of attachment defined on a holster; and wherein a relative angle of the holster to the plate is adjustable by coordinated adjustment of the three fastening means within each of the three slots”, as recited in amended claim 1.

Thus, the teachings of Rogers, Nichols, and Parsons, either alone or in combination, fail to teach or suggest the subject matter of independent claim 1. Therefore, Applicant respectfully submits that at least independent claim 1 is patentable over Rogers in view of Nichols and further in view of Parsons. Likewise, claim 6, which depends, either directly or indirectly from claim 1, is also patentable over Rogers in view of Nichols and further in view of Parsons for the reasons discussed above plus the additional feature(s) it recites. Thus, claim 6 is allowable and withdrawal of the rejection of this claim under 35 U.S.C. §103 is respectfully requested.

**D. CLAIM 7 IS PATENTABLE OVER ROGERS IN VIEW OF NICHOLS AND  
BELETSKY AND FURTHER IN VIEW OF BAKER**

The Office Action rejected claim 6 under 35 U.S.C. §103(a) as being unpatentable over Rogers in view of Nichols and Beletsky and further in view of Baker. The Applicant traverses the rejection because the combined teachings of Rogers, Nichols, Beletsky, and Baker fail to teach all of the features recited in the rejected claims.

For example, as discussed above with respect to claims 2 and 4, the teachings of Rogers, Nichols, and Beletsky, either alone or in combination, fail to teach or suggest (and actually teach away from) a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; a first arcuate slot defined through the plate, wherein the first arcuate slot is capable of allowing a first fastening means to extend therethrough; a second arcuate slot defined through the plate, wherein the second arcuate slot is capable of allowing a second fastening means to extend therethrough; a third recurvate slot defined through the plate below the first and second slots, the third slot having a recurvate shape, wherein the third slot is capable of allowing a third fastening means to extend therethrough; wherein the three fastening means are capable of engaging three points of attachment defined on a holster; and wherein a relative angle of the holster to the plate is adjustable by coordinated adjustment of the three fastening means within each of the three slots”, as recited in amended claim 1.

Furthermore, as indicated in the Office Action, the teachings of Rogers, Nichols, and Beletsky, either alone or in combination, fail to teach or suggest a holster holder wherein the plate comprises at least three belt receiving slots defined therethrough and wherein two of the belt receiving slots are formed in a vertical manner such that one is above the other, thereby providing alternative paths for the belt through the plate, thereby providing for adjustment of the relative angle between the holster holder and the belt. Thus, teachings of Rogers, Nichols, and Beletsky, either alone or in combination, fail to teach the claimed subject matter of original claim 7.

The inclusion of Baker fails to overcome the deficiencies of the combine teachings of Rogers, Nichols, and Beletsky. For example, Baker merely discloses a holster made of two distinct leather pieces joined in an overlying relationship. One belt receiving slot is provided through both pieces at the bottom or trigger side of the gun; while two slots are provided at the top of the gun, one slot being at a level below the other. Stitching in the form of closed loops around the slots joins the pieces and forms the gun pocket. (See Abstract of Baker)

Therefore, Baker actually teaches away from a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; a first arcuate slot defined through the plate, wherein the first arcuate slot is capable of allowing a first fastening means to extend therethrough; a second arcuate slot defined through the plate, wherein the second arcuate slot is capable of allowing a second fastening means to extend therethrough; a third recurvate slot defined through the plate below the first and second slots, the third slot having a recurvate shape, wherein the third slot is capable of allowing a third fastening means to extend therethrough; wherein the three fastening means are capable of engaging three points of attachment defined on a holster; and wherein a relative angle of the holster to the plate is adjustable by coordinated adjustment of the three fastening means within each of the three slots”, as recited in amended claim 1.

Thus, the teachings of Baker fail to teach or suggest the claimed features of the holster holder recited in at least independent claim 1, and fail to overcome the deficiencies of the combine teachings of Rogers, Nichols, and Beletsky.

Since the teachings of Baker fail to overcome the deficiencies of the combine teachings of Rogers, Nichols, and Beletsky, the teachings of Rogers, Nichols, Beletsky, and Baker, either alone or in combination, fail to teach or suggest (and actually teach away from) a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; a first arcuate slot defined through the plate, wherein the first arcuate slot is capable of



allowing a first fastening means to extend therethrough; a second arcuate slot defined through the plate, wherein the second arcuate slot is capable of allowing a second fastening means to extend therethrough; a third recurvate slot defined through the plate below the first and second slots, the third slot having a recurvate shape, wherein the third slot is capable of allowing a third fastening means to extend therethrough; wherein the three fastening means are capable of engaging three points of attachment defined on a holster; and wherein a relative angle of the holster to the plate is adjustable by coordinated adjustment of the three fastening means within each of the three slots”, as recited in amended claim 1.

Thus, the teachings of Rogers, Nichols, Beletsky, and Baker, either alone or in combination, fail to teach or suggest the subject matter of independent claim 1. Therefore, Applicant respectfully submits that at least independent claim 1 is patentable over Rogers in view of Nichols and Beletsky and further in view of Baker. Likewise, claim 7, which depends, either directly or indirectly from claim 1, is also patentable over Rogers in view of Nichols and Beletsky and further in view of Baker for the reasons discussed above plus the additional feature(s) it recites. Thus, claim 7 is allowable and withdrawal of the rejection of this claim under 35 U.S.C. §103 is respectfully requested.

**E. CLAIM 8 IS PATENTABLE OVER ROGERS IN VIEW OF NICHOLS, BELETSKY, AND BAKER, AND FURTHER IN VIEW OF PARSONS**

The Office Action rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Rogers in view of Nichols, Beletsky, and Baker, and further in view of Parsons. The Applicant traverses the rejection because the combined teachings of Rogers, Nichols, Beletsky, Baker, and Parsons fail to teach all of the features recited in the rejected claims.

For example, as discussed above with respect to claim 7, the teachings of Rogers, Nichols, Beletsky, and Baker, either alone or in combination, fail to teach or suggest (and actually teach away from) a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; a first arcuate slot defined through the plate, wherein the first arcuate slot is capable of allowing a first fastening means to extend therethrough; a second arcuate slot defined through the plate, wherein the second arcuate slot is capable of allowing a second fastening means to extend therethrough; a third recurvate slot defined through the plate below the first and second slots, the third slot having a recurvate shape, wherein the third slot is capable of allowing a third fastening means to extend therethrough; wherein the three fastening means are capable of engaging three points of attachment defined on a holster;

and wherein a relative angle of the holster to the plate is adjustable by coordinated adjustment of the three fastening means within each of the three slots”, as recited in amended claim 1.

Furthermore, as indicated in the Office Action, the teachings of Rogers, Nichols, Beletsky, and Baker, either alone or in combination, fail to teach or suggest a holster holder wherein each of the belt receiving slots further comprises adjustment means for adjusting the height and the angle at which the belt passes through the slot. Thus, teachings of Rogers, Nichols, Beletsky, and Baker, either alone or in combination, fail to teach the claimed subject matter of original claim 8.

The inclusion of Parsons fails to overcome the deficiencies of the combine teachings of Rogers, Nichols, Beletsky, and Baker. For example, as discussed above, Parsons merely discloses a concealable baton scabbard (10) that includes an attachment means (18) that includes a pocket formed central to the attachment means for receiving an elongated rigid cylindrical tubular baton receiving core (16). The attachment means is capable of being supported on a belt, such that when a baton is received within the baton receiving core and the scabbard is supported on a belt disposed about a user's waist, minimal outwardly bulging of the overlying clothing is observable. (See Paragraph 0023 and Figs.1-3 of Parsons)

Locating the pocket (and the baton receiving core) central to the attachment means (18) is essential to the concealable baton scabbard of Parsons. When a user wears the concealable baton scabbard of Parsons, the attachment means flexes arcuately toward the user's waist so that the wearer's belt “engages the inner surface of the baton receiving core” and the outer curvature of the baton receiving core “forms a smooth transition from the belt's normal line of tension”. (See Paragraph 0032 and Fig. 8 of Parsons)

Therefore, Parsons actually teaches away from a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; a first arcuate slot defined through the plate, wherein the first arcuate slot is capable of allowing a first fastening means to extend therethrough; a second arcuate slot defined through the plate, wherein the second arcuate slot is capable of allowing a second fastening means to extend therethrough; a third recurvate slot defined through the plate below the first and second slots, the third slot having a recurvate shape, wherein the third slot is capable of allowing a third fastening means to extend therethrough; wherein the three fastening means are capable of engaging three points of attachment defined on a holster; and wherein a relative angle of the holster to the plate is adjustable by coordinated adjustment of the three fastening means within each of the three slots”, as recited in amended claim 1.

Thus, the teachings of Parsons fail to teach or suggest the claimed features of the holster holder recited in at least independent claim 1, and fail to overcome the deficiencies of the combine teachings of Rogers, Nichols, Beletsky, and Baker.

Since the teachings of Parsons fail to overcome the deficiencies of the combine teachings of Rogers, Nichols, Beletsky, and Baker, the teachings of Rogers, Nichols, Beletsky, Baker, and Parsons, either alone or in combination, fail to teach or suggest (and actually teach away from) a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; a first arcuate slot defined through the plate, wherein the first arcuate slot is capable of allowing a first fastening means to extend therethrough; a second arcuate slot defined through the plate, wherein the second arcuate slot is capable of allowing a second fastening means to extend therethrough; a third recurvate slot defined through the plate below the first and second slots, the third slot having a recurvate shape, wherein the third slot is capable of allowing a third fastening means to extend therethrough; wherein the three fastening means are capable of engaging three points of attachment defined on a holster; and wherein a relative angle of the holster to the plate is adjustable by coordinated adjustment of the three fastening means within each of the three slots”, as recited in amended claim 1.

Thus, the teachings of Rogers, Nichols, Beletsky, Baker, and Parsons, either alone or in combination, fail to teach or suggest the subject matter of independent claim 1. Therefore, Applicant respectfully submits that at least independent claim 1 is patentable over Rogers in view of Nichols, Beletsky, and Baker, and further in view of Parsons. Likewise, claim 8, which depends, either directly or indirectly from claim 1, is also patentable over Rogers in view of Nichols, Beletsky, and Baker, and further in view of Parsons for the reasons discussed above plus the additional feature(s) it recites. Thus, claim 8 is allowable and withdrawal of the rejection of this claim under 35 U.S.C. §103 is respectfully requested.

**F. CLAIMS 10 AND 11 ARE PATENTABLE OVER ROGERS IN VIEW OF PARSONS AND FURTHER IN VIEW OF BAKER**

The Office Action rejected claims 10 and 11 under 35 U.S.C. §103(a) as being unpatentable over Rogers in view of Parsons and further in view of Baker. The Applicant traverses the rejection because the combined teachings of Rogers, Parsons, and Baker fail to teach all of the features recited in the rejected claims.

For example, Rogers fails to teach or suggest at least a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; means for attaching a holster to

a side of the plate; and at least two slots defined through the plate for receiving and securing a wearer's belt to the plate; repositionable adjustment means extending through each slot for adjusting a relative height and angle of the plate with respect to the belt”, as recited in amended claim 10.

In contrast, Rogers merely discloses a support plate for a holster, having two elongate belt slots. The edges of the slots are specifically shaped so as to engage the adjoining surface of a belt and thereby to prevent any lateral movement along the belt. Furthermore, the shape of the slots is specifically designed such that the shape of the slots causes a bowing of the belts to properly position the support plate. (See Fig. 8 and Col. 5, lines 3-12 of Rogers)

As indicated in the Office Action, Rogers fails to teach or suggest the inclusion of adjustment means extending through each slot for adjusting a relative height and angle of the plate with respect to the belt. Thus, Rogers fails to teach the claimed subject matter of amended claim 10.

Therefore, Rogers teaches away from a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; means for attaching a holster to a side of the plate; and at least two slots defined through the plate for receiving and securing a wearer's belt to the plate; repositionable adjustment means extending through each slot for adjusting a relative height and angle of the plate with respect to the belt”, as recited in amended claim 10.

The inclusion of Parsons fails to overcome the deficiencies of Rogers. Parsons merely discloses a concealable baton scabbard that includes belt receiving slots adapted to receive a belt that can be worn about the user's waist. Each of the belt receiving slots has a plurality of substantially identical breakaway bars (54), which are preferably molded of plastic and are integral within the belt receiving slots. Removing one or both of the breakaway bars results in a longer length slot for receiving larger width belts or straps for wearing the scabbard on the user's waist. (See Paragraph 0031 and Figs.1-3 of Parsons)

The breakaway bars of Parsons can be broken off (a one-time use) to allow the slot to be lengthened so that the concealable baton scabbard can be worn on a larger width belt or strap.

Therefore, Parsons actually teaches away from a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; means for attaching a holster to a side of the plate; and at least two slots defined through the plate for receiving and securing a wearer's belt to the plate; repositionable adjustment means extending through each slot for

adjusting a relative height and angle of the plate with respect to the belt”, as recited in amended claim 10, and fail to overcome the deficiencies of Rogers.

In fact, the support plate taught in Rogers would not be combined with the concealable baton scabbard of Parsons. In Rogers, the support plate is not designed to be concealable. Furthermore, the support plate is designed to be suspended from a belt such that an attached handgun holster (which is attached to a side of the support plate) is worn on the user's thigh. In sharp contrast, the baton scabbard of Parsons is specifically designed to be concealable. To enhance the concealability of the scabbard, the baton receiving pocket is located central to the scabbard.

Thus, a goal of the Rogers' support plate is exact placement of a holster on a support plate, and not concern is given for concealability. On the contrary, the primary goal of the Parsons' baton scabbard is concealability. This proposed modification or combination of the prior art would improperly change a principle of operation of the prior art invention being modified. Therefore, the support plate taught in Rogers would not be combined with the specially designed concealable baton scabbard of Parsons because the proposed modification would render the prior art inventions being modified unsatisfactory for their intended purposes.

In fact, if the support plate of Rogers were to be modified to include the breakaway bars of Parsons, the breakaway bars of Parsons could only be broken off to allow the elongate belt slots to be lengthened.

The inclusion of Baker fails to overcome the deficiencies of the combine teachings of Rogers and Parsons. For example, Baker merely discloses a holster made of two distinct leather pieces joined in an overlapping relationship. One belt receiving slot is provided through both pieces at the bottom or trigger side of the gun; while two slots are provided at the top of the gun, one slot being at a level below the other. Stitching in the form of closed loops around the slots joins the pieces and forms the gun pocket. (See Abstract of Baker)

Therefore, Baker actually teaches away from a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; means for attaching a holster to a side of the plate; and at least two slots defined through the plate for receiving and securing a wearer's belt to the plate; and repositionable adjustment means extending through each slot for adjusting a relative height and angle of the plate with respect to the belt”, as recited in amended claim 10.

Thus, the teachings of Baker fail to teach or suggest the claimed features of the holster holder recited in at least independent claim 10, and fail to overcome the deficiencies of the combine teachings of Rogers and Parsons.

Since the teachings of Baker fail to overcome the deficiencies of the combine teachings of Rogers and Parsons, the teachings of Rogers, Parsons, and Baker, either alone or in combination, fail to teach or suggest (and actually teach away from) a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; means for attaching a holster to a side of the plate; and at least two slots defined through the plate for receiving and securing a wearer's belt to the plate; repositionable adjustment means extending through each slot for adjusting a relative height and angle of the plate with respect to the belt”, as recited in amended claim 10.

Therefore, Applicant respectfully submits that at least independent claim 10 is patentable over Rogers in view of Parsons and Baker. Likewise, claim 11, which depends, either directly or indirectly from claim 10, is also patentable over Rogers in view of Parsons and Baker for the reasons discussed above plus the additional feature(s) it recites. Thus, claims 10 and 11 are allowable and withdrawal of the rejection of these claims under 35 U.S.C. §103 is respectfully requested.

**G. CLAIMS 10 AND 12 ARE PATENTABLE OVER ROGERS IN VIEW OF PARSONS AND FURTHER IN VIEW OF NICHOLS**

The Office Action rejected claims 10 and 12 under 35 U.S.C. §103(a) as being unpatentable over Rogers in view of Parsons and further in view of Nichols. The Applicant traverses the rejection because the combined teachings of Rogers, Parsons, and Nichols fail to teach all of the features recited in the rejected claims.

For example, Rogers fails to teach or suggest at least a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; means for attaching a holster to a side of the plate; and at least two slots defined through the plate for receiving and securing a wearer's belt to the plate; repositionable adjustment means extending through each slot for adjusting a relative height and angle of the plate with respect to the belt”, as recited in amended claim 10.

In contrast, Rogers merely discloses a support plate for a holster, having two elongate belt slots. The edges of the slots are specifically shaped so as to engage the adjoining surface

of a belt and thereby to prevent any lateral movement along the belt. Furthermore, the shape of the slots is specifically designed such that the shape of the slots causes a bowing of the belts to properly position the support plate. (See Fig. 8 and Col. 5, lines 3-12 of Rogers)

As indicated in the Office Action, Rogers fails to teach or suggest the inclusion of adjustment means extending through each slot for adjusting a relative height and angle of the plate with respect to the belt. Thus, Rogers fails to teach the claimed subject matter of amended claim 10.

Therefore, Rogers teaches away from a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; means for attaching a holster to a side of the plate; and at least two slots defined through the plate for receiving and securing a wearer's belt to the plate; repositionable adjustment means extending through each slot for adjusting a relative height and angle of the plate with respect to the belt”, as recited in amended claim 10.

The inclusion of Parsons fails to overcome the deficiencies of Rogers. Parsons merely discloses a concealable baton scabbard that includes belt receiving slots adapted to receive a belt that can be worn about the user's waist. Each of the belt receiving slots has a plurality of substantially identical breakaway bars (54), which are preferably molded of plastic and are integral within the belt receiving slots. Removing one or both of the breakaway bars results in a longer length slot for receiving larger width belts or straps for wearing the scabbard on the user's waist. (See Paragraph 0031 and Figs.1-3 of Parsons)

The breakaway bars of Parsons can be broken off (a one-time use) to allow the slot to be lengthened so that the concealable baton scabbard can be worn on a larger width belt or strap.

Therefore, Parsons actually teaches away from a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; means for attaching a holster to a side of the plate; and at least two slots defined through the plate for receiving and securing a wearer's belt to the plate; repositionable adjustment means extending through each slot for adjusting a relative height and angle of the plate with respect to the belt”, as recited in amended claim 10, and fail to overcome the deficiencies of Rogers.

In fact, the support plate taught in Rogers would not be combined with the concealable baton scabbard of Parsons. In Rogers, the support plate is not designed to be concealable. Furthermore, the support plate is designed to be suspended from a belt such that an attached handgun holster (which is attached to a side of the support plate) is worn on the user's thigh. In sharp contrast, the baton scabbard of Parsons is specifically designed to be

concealable. To enhance the concealability of the scabbard, the baton receiving pocket is located central to the scabbard.

Thus, a goal of the Rogers' support plate is exact placement of a holster on a support plate, and not concern is given for concealability. On the contrary, the primary goal of the Parsons' baton scabbard is concealability. This proposed modification or combination of the prior art would improperly change a principle of operation of the prior art invention being modified. Therefore, the support plate taught in Rogers would not be combined with the specially designed concealable baton scabbard of Parsons because the proposed modification would render the prior art inventions being modified unsatisfactory for their intended purposes.

In fact, if the support plate of Rogers were to be modified to include the breakaway bars of Parsons, the breakaway bars of Parsons could only be broken off to allow the elongate belt slots to be lengthened.

The inclusion of Nichols fails to overcome the deficiencies of the combine teachings of Rogers and Parsons. For example, Nichols merely discloses a belt mountable holster or carrier that comprises a holster body, a plate member having a swivel connector (24) pivotally connecting the plate member (18) to the holster body (20), and a fastener device for releasably securing the holster body in a selected angular position relative to the plate member (18). The swivel connector (24) of Nichols is located centrally between the side edges and closer to the first edge than the second edge of the plate (16), and secures the holster (20) to the plate (18), such that the plate is able to rotate 360 degrees, relative to the holster, when the fastener device is released. A pair of symmetrically arranged, arcuate slots (40 and 42) are positioned one on each side of the swivel connector (24), and the fastener device comprises a pair of releasable fasteners (44 and 46) such as screws or the like extending through the respective arcuate slots and releasably connected to the holster body.

In order to adjust the angular orientation of the holster body (20) relative to the plate (18), the fasteners (44 and 46) are loosened, and the holster body is pivoted about the swivel connector (24), with the fasteners traveling along the slots (40 and 42) in opposite directions until the desired orientation is reached, after which the fasteners are tightened. (See Figs. 1 and 3, Col. 2, Line 64 - Col. 3, Line 45, and Col. 5, Line 65 - Col. 6, Line 44 of Nichols)

As further described in Nichols, the paddle (64) may either be hooked into the waistband with the holster or other carrier worn outside, or worn the other way around with



the holster or other carrier worn inside the waistband or belt. (See FIGS. 8 and 9 and Col. 7, Lines 62-67 of Nichols)

Therefore, Nichols actually teaches away from a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; a first arcuate slot defined through the plate, wherein the first arcuate slot is capable of allowing a first fastening means to extend therethrough; a second arcuate slot defined through the plate, wherein the second arcuate slot is capable of allowing a second fastening means to extend therethrough; a third recurvate slot defined through the plate below the first and second slots, the third slot having a recurvate shape, wherein the third slot is capable of allowing a third fastening means to extend therethrough; wherein the three fastening means are capable of engaging three points of attachment defined on a holster; and wherein a relative angle of the holster to the plate is adjustable by coordinated adjustment of the three fastening means within each of the three slots”, as recited in amended claim 1.

Thus, the teachings of Nichols fail to teach or suggest the claimed features of the holster holder recited in at least independent claim 10, and fail to overcome the deficiencies of the combine teachings of Rogers and Parsons.

Since the teachings of Nichols fail to overcome the deficiencies of the combine teachings of Rogers and Parsons, the teachings of Rogers, Parsons, and Nichols, either alone or in combination, fail to teach or suggest (and actually teach away from) a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; means for attaching a holster to a side of the plate; and at least two slots defined through the plate for receiving and securing a wearer's belt to the plate; repositionable adjustment means extending through each slot for adjusting a relative height and angle of the plate with respect to the belt”, as recited in amended claim 10.

Therefore, Applicant respectfully submits that at least independent claim 10 is patentable over Rogers in view of Parsons and Nichols. Likewise, claim 12, which depends, either directly or indirectly from claim 10, is also patentable over Rogers in view of Parsons and Nichols for the reasons discussed above plus the additional feature(s) it recites. Thus, claims 10 and 12 are allowable and withdrawal of the rejection of these claims under 35 U.S.C. §103 is respectfully requested.

**H. CLAIM 13 IS PATENTABLE OVER ROGERS IN VIEW OF PARSONS AND BAKER  
AND FURTHER IN VIEW OF NICHOLS**

The Office Action rejected claim 13 under 35 U.S.C. §103(a) as being unpatentable over Rogers in view of Parsons and Baker and further in view of Nichols. The Applicant traverses the rejection because the combined teachings of Rogers, Parsons, Baker, and Nichols fail to teach all of the features recited in the rejected claims.

For example, Rogers fails to teach or suggest at least a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; means for attaching a holster to a side of the plate; and at least two slots defined through the plate for receiving and securing a wearer's belt to the plate; repositionable adjustment means extending through each slot for adjusting a relative height and angle of the plate with respect to the belt”, as recited in amended claim 10.

In contrast, Rogers merely discloses a support plate for a holster, having two elongate belt slots. The edges of the slots are specifically shaped so as to engage the adjoining surface of a belt and thereby to prevent any lateral movement along the belt. Furthermore, the shape of the slots is specifically designed such that the shape of the slots causes a bowing of the belts to properly position the support plate. (See Fig. 8 and Col. 5, lines 3-12 of Rogers)

As indicated in the Office Action, Rogers fails to teach or suggest three slots being arcuate such that the holster can rotate with respect to the plate, the lowest slot having a recurvate shape. Thus, Rogers fails to teach the claimed subject matter of amended claim 10.

Therefore, Rogers teaches away from a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; means for attaching a holster to a side of the plate; and at least two slots defined through the plate for receiving and securing a wearer's belt to the plate; repositionable adjustment means extending through each slot for adjusting a relative height and angle of the plate with respect to the belt”, as recited in amended claim 10.

The inclusion of Parsons fails to overcome the deficiencies of Rogers. Parsons merely discloses a concealable baton scabbard that includes belt receiving slots adapted to receive a belt that can be worn about the user's waist. Each of the belt receiving slots has a plurality of substantially identical breakaway bars (54), which are preferably molded of plastic and are integral within the belt receiving slots. Removing one or both of the breakaway bars results in a longer length slot for receiving larger width belts or straps for wearing the scabbard on the user's waist. (See Paragraph 0031 and Figs.1-3 of Parsons)

The breakaway bars of Parsons can be broken off (a one-time use) to allow the slot to be lengthened so that the concealable baton scabbard can be worn on a larger width belt or strap.

Therefore, Parsons actually teaches away from a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; means for attaching a holster to a side of the plate; and at least two slots defined through the plate for receiving and securing a wearer's belt to the plate; repositionable adjustment means extending through each slot for adjusting a relative height and angle of the plate with respect to the belt”, as recited in amended claim 10, and fail to overcome the deficiencies of Rogers.

In fact, the support plate taught in Rogers would not be combined with the concealable baton scabbard of Parsons. In Rogers, the support plate is not designed to be concealable. Furthermore, the support plate is designed to be suspended from a belt such that an attached handgun holster (which is attached to a side of the support plate) is worn on the user's thigh. In sharp contrast, the baton scabbard of Parsons is specifically designed to be concealable. To enhance the concealability of the scabbard, the baton receiving pocket is located central to the scabbard.

Thus, a goal of the Rogers' support plate is exact placement of a holster on a support plate, and not concern is given for concealability. On the contrary, the primary goal of the Parsons' baton scabbard is concealability. This proposed modification or combination of the prior art would improperly change a principle of operation of the prior art invention being modified. Therefore, the support plate taught in Rogers would not be combined with the specially designed concealable baton scabbard of Parsons because the proposed modification would render the prior art inventions being modified unsatisfactory for their intended purposes.

In fact, if the support plate of Rogers were to be modified to include the breakaway bars of Parsons, the breakaway bars of Parsons could only be broken off to allow the elongate belt slots to be lengthened.

The inclusion of Baker fails to overcome the deficiencies of the combine teachings of Rogers and Parsons. For example, Baker merely discloses a holster made of two distinct leather pieces joined in an overlying relationship. One belt receiving slot is provided through both pieces at the bottom or trigger side of the gun; while two slots are provided at the top of the gun, one slot being at a level below the other. Stitching in the form of closed loops around the slots joins the pieces and forms the gun pocket. (See Abstract of Baker)

Therefore, Baker actually teaches away from a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; means for attaching a holster to a side of the plate; and at least two slots defined through the plate for receiving and securing a wearer's belt to the plate; and repositionable adjustment means extending through each slot for adjusting a relative height and angle of the plate with respect to the belt”, as recited in amended claim 10.

Thus, the teachings of Baker fail to teach or suggest the claimed features of the holster holder recited in at least independent claim 10, and fail to overcome the deficiencies of the combine teachings of Rogers and Parsons.

The inclusion of Nichols fails to overcome the deficiencies of the combine teachings of Rogers, Parsons, and Baker. For example, Nichols merely discloses a belt mountable holster or carrier that comprises a holster body, a plate member having a swivel connector (24) pivotally connecting the plate member (18) to the holster body (20), and a fastener device for releasably securing the holster body in a selected angular position relative to the plate member (18). The swivel connector (24) of Nichols is located centrally between the side edges and closer to the first edge than the second edge of the plate (16), and secures the holster (20) to the plate (18), such that the plate is able to rotate 360 degrees, relative to the holster, when the fastener device is released. A pair of symmetrically arranged, arcuate slots (40 and 42) are positioned one on each side of the swivel connector (24), and the fastener device comprises a pair of releasable fasteners (44 and 46) such as screws or the like extending through the respective arcuate slots and releasably connected to the holster body.

In order to adjust the angular orientation of the holster body (20) relative to the plate (18), the fasteners (44 and 46) are loosened, and the holster body is pivoted about the swivel connector (24), with the fasteners traveling along the slots (40 and 42) in opposite directions until the desired orientation is reached, after which the fasteners are tightened. (See Figs. 1 and 3, Col. 2, Line 64 - Col. 3, Line 45, and Col. 5, Line 65 - Col. 6, Line 44 of Nichols)

As further described in Nichols, the paddle (64) may either be hooked into the waistband with the holster or other carrier worn outside, or worn the other way around with the holster or other carrier worn inside the waistband or belt. (See FIGS. 8 and 9 and Col. 7, Lines 62-67 of Nichols)

Therefore, Nichols actually teaches away from a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; means for attaching a holster to a side of the plate; and at least two slots defined through the plate for receiving and securing a

wearer's belt to the plate; and repositionable adjustment means extending through each slot for adjusting a relative height and angle of the plate with respect to the belt”, as recited in amended claim 10.

Thus, the teachings of Nichols fail to teach or suggest the claimed features of the holster holder recited in at least independent claim 10, and fail to overcome the deficiencies of the combine teachings of Rogers, Parsons, and Baker.

Since the teachings of Nichols fail to overcome the deficiencies of the combine teachings of Rogers, Parsons, and Baker, the teachings of Rogers, Parsons, Baker, and Nichols, either alone or in combination, fail to teach or suggest (and actually teach away from) a holster holder for securing a holster to a wearer in a desired attitude, comprising “a plate; means for attaching a holster to a side of the plate; and at least two slots defined through the plate for receiving and securing a wearer's belt to the plate; repositionable adjustment means extending through each slot for adjusting a relative height and angle of the plate with respect to the belt”, as recited in amended claim 10.

Therefore, Applicant respectfully submits that at least independent claim 10 is patentable over Rogers in view of Parsons and Baker and further in view of Nichols. Likewise, claim 13, which depends, either directly or indirectly from claim 10, is also patentable over Rogers in view of Parsons and Baker and further in view of Nichols for the reasons discussed above plus the additional feature(s) it recites. Thus, claim 13 is allowable and withdrawal of the rejection of these claims under 35 U.S.C. §103 is respectfully requested.

**CONCLUSION**

Based on the foregoing amendments and remarks, Applicant respectfully submits that claims 1-8 and 10-13 are directed to allowable subject matter and that the application is in condition for allowance. Accordingly, prompt reconsideration and allowance of the application with these claims is respectfully requested.

However, if the Examiner believes there is anything further necessary to place this application in better condition for allowance, Applicant requests the Examiner telephone Applicant's undersigned representative at the number listed below.

Respectfully submitted,



Peter A. Shaddock II  
Registration No. 44,331

Date: January 12, 2007

Bowman Green Hampton & Kelly, PLLC  
501 Independence Parkway, Suite 201  
Chesapeake, VA 23320-5173

Telephone: (757) 548-2323  
Fax: (757) 548-2345  
E-mail: pshaddock@bghklaw.net